

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 33-38 were previously canceled. Claims 1-13, 15-29, and 30-32 are amended. Claims 1-32 are now pending in this application.

Claim Rejections - 35 U.S.C. § 101

In Section 2 of the Office Action, Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to “non-statutory subject matter, since, the claims are directed towards a process that is not tied to steps of an apparatus.” Applicants have amended the claims to tie method operations to an apparatus—a “network element.” As such, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

In Section 4 of the Office Action, Claims 2-13, 16-28, and 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states:

Regarding claims 2-13, the cited claims as "A method....".
Regarding claims 16-28, the cited claims as "A network element...". Regarding claims 30-32, the cited claims as "A communication system". Please correct their antecedent basis as according to their independent claim.

Applicants have amended Claims 2-13, 16-28, and 30-32 as suggested by the Examiner. As such, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

In Section 6 of the Office Action, Claims 1-3, 5-17, and 19-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Grabelsky et al. (US 7,450,560 hereinafter “*Grabelsky*”). Applicants respectfully traverse the rejection.

Claim 1 reads:

1. A method for configuring addresses in a packet switched data communication system, the method comprising:

configuring at a network element a temporary address for an interface of a sub-element of the network element, the network element comprising a control module and the sub-element, wherein the temporary address is valid in an internal network associated with the network element;

retrieving an identifier of the network element from the control module; and

defining a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address, wherein the second address is valid in an external network with which the network element communicates.

Grabelsky describes “the assignment of a globally unique network public address” and “a number of locally unique ports to a first private network subdevice.” (Abstract.) The public network address is used to communicate with network devices on an external network. However, *Grabelsky* does not disclose, teach or suggest the claimed invention recited in Claim 1.

1. *Grabelsky* does not show configuring a temporary address for an interface of a sub-element of a network element.

The Examiner points to col. 8, lines 29-43 and col. 9, lines 16-30 as showing configuring a temporary address for an interface of a sub-element of a network element. In the Office Action, the Examiner “identifies IP interface on communications card 24” in Fig. 2 as the “interface of a sub-element.” (See Office Action, page 3.) However, in col. 15, lines 36-38, *Grabelsky* explains that “the IP interface 26 on each card 24 provides only an internal (private) IP address” and there is no discussion or suggestion of configuring this internal IP address for the IP interface as a temporary address. Col. 15, lines 36-37 further explains that the router subsystem 20 provides communication card 24 with *external* interfaces, which, as can be seen in Fig. 2, provide connectivity to external IP data network 27 and external IP

signaling network 29. Neither these external interfaces nor the IP interface of communication card 24 are given configured temporary addresses.

Grabelsky does not suggest or teach “configuring at a network element a temporary address for an interface of a sub-element of the network element” as in Claim 1. Independent Claims 15 and 29, although different in scope, include similar claim elements. A rejection under 35 U.S.C. 102(e) cannot be properly maintained where the reference does not teach each and every element of the claim. Accordingly, the rejection should be withdrawn.

2. *Grabelsky* does not show retrieving an identifier of the network element from a control module

The Examiner points to col. 11, lines 45-63 of *Grabelsky* as showing retrieving an identifier of the network element from the control module. The Examiner identifies “router subsystem 20” as corresponding to the control module. However, col. 11, lines 45-63 does not mention router subsystem 20 at all. This section states:

FIG. 16 is a flow diagram illustrating a method 134 for implementing RSIP in NAS 2. At step 136, a first network subdevice 6 on NAS 2 requests a common external address 44 and one or more locally unique ports 42 from a second network subdevice 7 on the NAS 2 with a first protocol 13. The locally unique ports 42 are used in protocol layers in the layered protocol stack 42 on the first network subdevice 6. In addition, the locally unique ports 42 are used to create a combination network address 112 comprising a locally unique port 42 and a common external address 44 to communicate with a second external computer network 14 without address translation. At step 13S, the first network subdevice 6 receives the common external address 44 and one or more locally unique ports 42 from the second network subdevice 7. At step 140, the first network subdevice 6 constructs one or more combination network addresses 112 using the one or more locally unique ports 42 and a common external network address 44 used to identify the NAS 2 to the second external computer network 14.

(emphasis added.)

As such, *Grabelsky* describes a system where one subdevice requests a common external address and unique ports from another subdevice. A combination address for the subdevice is created with the common external address and the unique local ports. *Grabelsky* describes the “combination network address” as including both an external network address and a locally unique port. Thus, unlike the claimed “retrieving an identifier of the network element from the control module,” *Grabelsky* obtains a common external address for the subdevice from another subdevice.

Grabelsky does not suggest or teach “retrieving an identifier of the network element from the control module” as in Claim 1. Independent Claims 15 and 29, although different in scope, include similar claim elements. A rejection under 35 U.S.C. 102(e) cannot be properly maintained where the reference does not teach each and every element of the claim. Accordingly, the rejection should be withdrawn.

3. *Grabelsky* does not show defining a second address for the interface based on the retrieved identifier of the network element and the temporary address

As explained above, *Grabelsky* describes the creation of a “combination network address” which includes an external network address and a locally unique port. First, as previously discussed, the external network address in *Grabelsky* is a common external network address obtained from another subdevice, not the network element. Claim 1 requires that the “second address for the interface of the sub-element [be defined] based on the retrieved identifier of the network element.” (emphasis added.) Second, there is no suggestion that the locally unique port is a temporary address. Indeed, for the system of *Grabelsky* to properly operate, the locally unique port included as part of the “combination network address” should stay the same and not be temporary.

Third, *Grabelsky* never teaches or suggests a second address for the IP interface of communication card 24, which is what the Examiner points to for the claimed “interface of a sub-element of the network element.” As discussed above, in col. 15, lines 36-38, *Grabelsky* explains that “the IP interface 26 on each card 24 provides only an internal (private) IP address.” (emphasis added.) There is never a suggestion that the IP interface on the communication card of *Grabelsky* be given a second address.

Clearly, *Grabelsky* does not suggest or teach “defining a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address” as in Claim 1. Independent Claims 15 and 29, although different in scope, include similar claim elements. A rejection under 35 U.S.C. 102(e) cannot be properly maintained where the reference does not teach each and every element of the claim. Accordingly, the rejection should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

In Section 8 of the Office Action, Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Grabelsky* in view of *Estes et al.* (US 7,158,776 hereinafter “*Estes*”). Applicants respectfully traverse the rejection.

The Examiner points to *Estes* to provide the teaching the Examiner acknowledges is missing from *Grabelsky*, i.e., “configuration of a temporary IP address based on serial number of the device for the purpose of unique identification.” However, *Estes* fails to disclose, teach or suggest any of the other claim elements from independent Claims 1 and 15, from which Claims 4 and 18 depend respectively. As detailed above, *Grabelsky* fails to disclose, teach or suggest at least one, if not all, of the claim elements recited in Claims 1 and 15. As such, the combination of *Grabelsky* and *Estes* fails to disclose, teach or suggest all of the elements of Claims 4 and 18. Withdrawal of the rejection is, therefore, respectfully requested.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated,

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Paul S. Hunter
Attorney for Applicants
Registration No. 44,787

Date October 7, 2009

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258